

IN THE CIRCUIT COURT OF

BALTIMORE CITY.

64 B 292
1924

DOMINIC DUNCAN

VS.

EMMA DUNCAN.

339 Forest St

BILL FOR DIVORCE.

Mr. Clerk:-

Please file.

J. Steward Davis

George Evans

ATTORNEYS FOR PLAINTIFF.

B 26930

J. STEWARD DAVIS

ATTORNEY AT LAW

215 SAINT PAUL PLACE

BALTIMORE, MD.

fd 3 May 1924

DOMINIC DUNCAN : IN THE CIRCUIT COURT
VS. : OF
EMMA DUNCAN : BALTIMORE CITY.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Orator complaining respectfully represents:

(1)

That he was married to his wife Emma Duncan on the
day of 19 and with whom he resided until the
day of 192

(2)

That ever since said marriage, your Orator has behaved
himself as a faithful, chaste and affectionate husband toward the
said Emma Duncan.

(3)

That the said Emma Duncan has on divers days and times
since said marriage, committed the crime of adultery with divers,
lewd and abandoned men in Baltimore City, whose names to your
Orator are unknown. That said offense has not been condoned by
your Orator.

(4)

That there are no children as issue of said marriage.

(5)

That both your Orator and the defendant are citizens of
the State of Maryland, having resided in Baltimore City for more
than three years prior to the filing of this Bill.

TO THE END, THEREFORE:

(a) That your Orator may be divorced a Vinculo Matrimonii
from the said Emma Duncan.

(b) That he may have such other and further relief as his
case may require.

May it please your Honor to grant unto your Orator the Writ of Subpoena directed against the said Emma Duncan, commanding and requiring her to be and appear in this Court on some day certain to be named therein to answer the premises and abide by and perform such decree or order as may be passed therein.

AND as in duty bound, etc.

J. Steward Davis

George W. Evans.

SOLICITORS FOR COMPLAINANT.

7174

292

Ct. Ct.

1924

B64

Docket No.

Duncan

"

Duncan
339 Forest St.

SUBPOENA TO ANSWER BILL OF COMPLAINT

No.

B

26930

(2)

Filed

12 May 1924

J S Davis
Geo Evans

SOLICITOR

3

Summons and a copy of the process left
with the defendant

John B. Potee
Sheriff
5/8/924
Buck (Fees \$0.80)

EQUITY SUBPOENA

The State of Maryland

On

Emma Duncan

of Baltimore City, Greeting:

WE COMMAND AND ENJOIN YOU, That all excuses set aside, you do within the time limited by law beginning on the second Monday of May next cause an appearance to be entered for you and your answer to be filed to the complaint of

Dominic Duncan

against you exhibited in the Circuit Court of Baltimore City, HEREOF fail not, as you will answer the contrary at your peril.

WITNESS, the Honorable JAMES P. GORTER, Chief Judge of the Supreme Bench of Baltimore City, the 10th day of March 1924, Issued the 3rd day of May, in the year 1924,

Chas R. Whiteford Clerk

MEMORANDUM: You are required to file your answer or other defense in the Clerk's Office, room 206, in the Court House, Baltimore City, within fifteen days after return day.

(General Equity Rules 11.)

~~1924~~ B6P Ct. Ct.

1924 Docket

American

vs.

American

Decree Pro Confesso.

Bd6930

No.

{37}

Sapp

Filed

3 June 1924

292

Domina Duncan
vs.
Anna Duncan

IN THE
Circuit Court
OF
BALTIMORE CITY.

May Term, 1914

The Defendant having been duly summoned (~~notified by Order of Publication~~) to appear to the Bill of Complaint, and having failed to appear thereto, according to the exigency of the writ, (said Order).

It is thereupon this 3 day of June in the year nineteen hundred and ~~fourteen~~ *fourteen* by the Circuit Court of Baltimore City, ADJUDGED, ORDERED and DECREED, that the complainant is entitled to relief in the premises, and that the bill of Complaint be and is hereby taken pro confesso against said defendant. But because it doth not certainly appear to what relief the Plaintiff is entitled, it is further *Adjudged*, and *Ordered*, that one of the Examiners of this Court, take testimony to support the allegations of the bill.

William F. Stone

STATE OF MARYLAND,
BALTIMORE CITY, SCT :

I hereby certify that on this _____ day of _____ 19____ before me, the subscriber, a Notary Public, of the State of Maryland, in and for the City aforesaid, personally appeared _____ and made oath in due form of law that her (his) husband (wife) the defendant in the above entitled case is not in the Military or Naval service of the United States Government, to the best of her (his) knowledge, information and belief.

As Witness my hand and Notarial Seal.

Notary Public.

Circuit Court

292
1924 B Docket No. 64

Dominic Duncan

vs.

Emma Duncan

Order of Reference
and Report

B-26 930

No. _____

Roberson 6 ✓
2 Oct 1924

Order Filed ~~30~~ day of ~~Sept~~ 1924

Report Filed _____ day of _____ 192

Dominic Duncan

vs.

Emma Duncan

IN THE
Circuit Court

OF
BALTIMORE CITY

September

Term, 1924

This case being submitted, without argument, it is ordered by the Court, this ~~20th~~ 30th day of ~~September~~ October, 1924, that the same be and it is hereby referred to Alexander H. Robertson, Esq., Auditor and Master, to report the pleadings and the facts, and his opinion thereon.

Charles F. Stone

Report of Auditor and Master

Bill filed by husband against wife for divorce a vinculo matrimonii on the ground of adultery, Code Article 16, Section 36. Defendant summoned. No answer. Decree pro confesso, thirty days elapsed. Proof shows marriage, residence and adultery by the Defendant. Case ready for decree.

Alex. H. Robertson

Auditor and Master.

CIRCUIT COURT

B 292
1924

No. 64 Docket

DUNCAN,

VS.

DUNCAN,

Recorded

Folio 264192 4

Decree of Divorce

B No. 26930

(6)

Fd. 4th October 1924

The within is a proper decree to be passed
in this case.

Alas Robertson
Auditor and Master.

Circuit Court

OF

BALTIMORE CITY

-----DOMINIC DUNCAN,-----

VS.

-----EMMA DUNCAN,-----

-----SEPTEMBER----- Term, 1924.

This cause standing ready for hearing and being duly submitted, the proceedings were by the Court read and considered.

It is thereupon, this *4th* day of OCTOBER, A. D. 1924. by the Circuit Court of Baltimore City, Adjudged, Ordered and Decreed, that the said

-----DOMINIC DUNCAN,-----

the above named Complainant be and he is hereby DIVORCED A VINCULO MATRIMONIÛ from the Defendant, EMMA DUNCAN.

And it is further Ordered, That the said Plaintiff pay the cost of this proceeding.

Charles F. Steen

313/1/21

Doc. B 292
1924

In the Circuit Court,
OF BALTIMORE CITY

DEPOSITIONS

Dominic Duncan

vs.

Emma Duncan

No. 26930B

PLAINTIFF'S COSTS

Examiners..... \$ 8.00

Copies.....

Sheriff.....

Stenographer.....

\$ _____

=====

DEFENDANT'S COSTS

Examiners..... \$.....

Copies.....

Sheriff.....

Stenographer.....

A 2 Oct 1924

Dominic Surcan

vs.

Emma Surcan

In the Circuit Court ... /

OF BALTIMORE CITY.

Declar. Pre. Confesso having been passed in said cause and notice having been given me by the Solicitor for the *Plaintiff* of a desire to take testimony in the same, I, A. de RUSSY SAPPINGTON, one of the Standing Examiners of the Circuit Courts of Baltimore City, under and by virtue of an order of the above named Circuit Court, passed in said cause on the *third* day of *June* 19*24*, met on the *third* day of *June* in the year nineteen hundred and *twenty-four* at my office, in the City of Baltimore, in the State of Maryland, and assigned the *third* day of *June* in the same year at *two* o'clock in the *after*-noon and the office of *A. de Rusington, Esq.* in the City and State aforesaid, as the time and place for such examination of witnesses in said cause; at which last mentioned time and place I attended, due notice of such meeting having been given, and proceeded in the presence of the Solicitor.....of the *Plaintiff* to take the following depositions, that is to say:—

b.
8-3 Sullivan

DOMINIC DUNCAN

VS.

EMMA DUNCAN.

Testimony taken at the office of A. deRussy Sappington, on Tuesday, June 3, 1924, at 2:00 o'clock in the afternoon.
Thereupon---

DOMINIC DUNCAN,
the plaintiff, of lawful age, produced in his own behalf, having been first duly sworn according to law, was examined and testified as follows:

DIRECT EXAMINATION:

By the Examiner:

1Q What is your name?

A. Dominic Duncan.

2Q What is your address?

A. 308 Forest Street, Baltimore, Md.

(Questions by Mr. Davis)

3Q Do you know the parties to this suit?

A. Yes.

4Q You were married when?

A. In 1919, June 15th.

5Q How long did you live with your wife?

A. About a year and six or eight months.

6Q You separated in December, 1921?

A. Yes.

7Q Any children?

A. No.

8Q Did she leave you or did you leave her?

A. I left her. I went to sea.

9Q And when you got back where was she?

A. She was living with another man.

10Q Is she still living with that man?

A. Yes, as far as I can say. She is in the same house with him.

11Q What is his name?

A. Charles Boone.

12Q Where does he live?

A. On Forest Street.

13Q Does she say she lives with this man if anyone asks her?

A. She never denied it. I have talked to her.

14Q What was your conduct toward your wife. Did you give her any reason to behave in this way?

A. No sir.

15Q How did you treat her?

A. Well I gave her my envelope and she got drunk with it and threw it away.

16Q Was she ever arrested while you were with her?

A. Twice.

17Q What happened to her. Was she fined?

A. The first time both of us were arrested?

18Q What for?

A. Talking to her about my money that she was throwing away.

19Q What happened to the case?

A. They fined us both \$25.00.

20Q Did you always treat her as a good, kind, affectionate husband should?

A. Yes I did.

21Q Did you support her?

A. Yes I did.

22Q Have you ever lived with her or cohabited with her since you discovered she was the common law wife of this man?

A. No.

23Q Have you been a resident of the City of Baltimore, State of Maryland for more than two years prior to the institution of this suit?

A. For sixteen years.

24Q Your wife was a resident of the City of Baltimore, State of Maryland and has been prior to two years prior to the filing of this suit?

A. Yes. She was born right in Baltimore.

GENERAL QUESTION

Do you know or can you state any other matter or thing that may be to the benefit or advantage of the parties to this suit, or either of them, or that may be material to the subject of this, your examination, or the matters in question between the parties? If so, state the same fully and at large in your answer.

A.--- No

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make

Thereupon---

CHARLES CAMPER,

a witness of lawful age, produced in behalf of the plaintiff, having been first duly sworn according to law, was examined and testified as follows:

DIRECT EXAMINATION:

(Questions by Mr. Davis)

1Q What is your name?

A. Charles Camper.

2Q Your address?

A. 1129 May Street.

3Q Do you know the parties to this suit?

A. Yes.

4Q How long have you known them?

A. For about 12 years.

5Q You were not present at the wedding, were you?

A. Yes. I was the Best Man.

6Q Mr. Duncan states that he was married in June 1919, that is correct, is it?

A. Yes that is correct, June 15, 1919.

7Q He states that they lived together for a year and eight months, and separated in December 1921?

A. He went sailing. He went to sea.

8Q Where did they live at that time?

A. At 321 or 323 Forest Street at the time.

9Q How far is that from where you live?

A. Just around the corner.

10Q He states that his wife has been living as the common law wife of another man, and was when he returned.

A. She did live at 1120 May Street with Charles Boone. Right across from me. And they now live together at 1339, I think it is, Forest Street.

11Q Have you ever heard her state whether or not she was living with Charles Boone?

A. I have heard her say, I am going home to my husband, and she meant him.

12Q Have you ever seen them out together?

A. Yes. They have been to my house together, Boone and Emma Duncan. You can go past any time and see them sitting on the step together. You could go past there now, I guess, and find them at the window together, if he was home.

13Q What was Mr. Duncan's conduct toward his

wife?

A. It seems to me that he was a good provider for her. She did all the fussing with him.

14Q Was he kind, affectionate and faithful to her?

A. Yes.

15Q Did he give her any cause or reason to indulge in adultery with anyone else?

A. No.

16Q Any children as a result of their marriage?

A. No.

17Q Has he been a resident of the State of Maryland for two years prior to the filing of this suit?

A. Sixteen years.

18Q Has she been a resident for more than two years prior to the filing of this suit, a resident of the City of Baltimore, State of Maryland?

A. Oh, yes. I have known her for over 12 years myself.

GENERAL QUESTION

Do you know or can you state any other matter or thing that may be to the benefit or advantage of the parties to this suit, or either of them, or that may be material to the subject of this, your examination, or the matters in question between the parties? If so, state the same fully and at large in your answer.

A.--- No .

Charles Campen

No other witnesses being named or produced before me, I then, at the request of the Solicitor.....of the.....*plaintiff* closed the depositions taken in said cause and now return them closed under my hand and seal, on this.....*2nd* day of *October* in the year of Our Lord nineteen hundred and *twenty-four* at the City of Baltimore, in the State of Maryland

A. de Russey Sappington (SEAL).
Examiner.

There are.....*no*.....Exhibits with these depositions, to wit:

Plaintiff's..... Exhibit/.....

Defendant's..... Exhibit/.....

A. de Russey Sappington
Examiner.

I, A. de RUSSY SAPPINGTON, the Examiner before whom the foregoing depositions were taken, do hereby certify that I was employed in assigning a day, and taking the said depositions upon.....*two*..... days, on.....*both*..... of which I was employed by the Plaintiff....., and on.....*now*..... by the Defendant.....

A. de Russey Sappington
Examiner.